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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office 25-203  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
80-202

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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08/781,579 01/09/97 GARDINER

B GONR9003HED/

0272/0319  
BRIAN I MARCUS  
FLIESLER DUBB MEYER AND LOVEJOY  
FOUR EMBARCADERO CENTER  
SUITE 400  
SAN FRANCISCO CA 94111-4156

NOT ASSIGNED

DATE MAILED: 3305

03/19/97

### NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 130 for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☒ large entity ☐ small entity (verified statement filed), is \$ 1170.

☒ 1 The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 770 to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

☒ 2 Additional claim fees of \$ 270, including any multiple dependent claim fees, are required. Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☐ 3 The oath or declaration:

- ☐ is missing.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4 The signature(s) to the oath or declaration is/are:

- ☐ missing.  
☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5 The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying the application by the above Application Number and Filing Date, is required.

☐ 6 A \$ processing fee is required since your check was returned without payment (37 CFR 1.101(m)).

☐ 7 Your filing receipt was mailed in error because your check was returned without payment.

☐ 8 The application does not comply with the Sequence Rules.

See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9 OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the response.**

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00000000  
08/17/1997 PAYMENT 00000000  
01 FC:201  
02 FC:205  
03 FC:203  
04 FC:202



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

PATENT APPLICATION

Inventors: Barry N. Gardiner  
Paul T. McDonald  
Richard D. Phipps

SC/Serial No.: 08/781,579

Filed: January 9, 1997

Title: SUTURED STAPLE SURGICAL FASTENERS,  
INSTRUMENTS AND METHODS FOR  
MINIMALLY INVASIVE VASCULAR  
AND ENDOSCOPIC SURGERY

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on May 16, 1997.

Brian I. Marcus, Reg. No. 34,511  
Signature Date: May 16, 1997

(Attorney Signature)

RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application -- Filing Date Granted, dated March 19, 1997, enclosed are the following documents in connection with the above-identified application:

X Copy of Notice to File Missing Parts -- Filing Date Granted

   Declaration for Patent Application

   Assignment and Assignment Recordation Form Cover Sheet

X Power of Attorney

X Verified statement of small entity status

### Patent Application Filing Fee

The patent application filing fee (if applicable) is calculated as shown below:

No. Filed	No. Extra	Rate Small Entity/ Large Entity	
Basic Fee		\$385.00 \$770.00	= \$385.00
Total Claims <u>25</u> **	- 20 = <u>5</u> *	\$ 11.00 \$ 22.00	= \$55.00
Independent Claims <u>5</u> **	- 3 = <u>2</u> *	\$ 40.00 \$ 80.00	= \$80.00
First Presentation of Multiple Dependent Claim(s) _____		\$130.00 \$260.00	= \$

Total PATENT APPLICATION FILING FEE: \$520.00

\* If the difference is less than zero, enter "0".

\*\* Count claims after any amendment.

### Total Fee

The Total Fee associated with this communication has been calculated as shown below:

<u>X</u>	Patent application filing fee	\$520.00
<u>—</u>	Net fee for extension of time	\$
<u>—</u>	Assignment recording fee (\$40.00)	\$
<u>X</u>	Surcharge under 37 C.F.R. §1.16(e) for late filing of oath or declaration:	
<u>—</u>	Large Entity \$130.00	\$
<u>X</u>	Small Entity \$ 65.00	\$65.00
TOTAL FEE DUE:		<u>\$585.00</u>

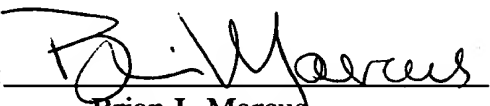
**Method of Payment of Fees**

- X A check in the amount of the TOTAL FEE DUE is enclosed.
- X The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: May 16, 1997

By: \_\_\_\_\_

  
Brian I. Marcus  
Reg. No. 34,511

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